

BEYER WEAVER & THOMAS, LLP

INTELLECTUAL PROPERTY LAW

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September 21, 2006

RECEIVER: EXAMINER LEMMA, Samson B.
Group Art Unit 2132

FAX #: 1-571-273-8300 Central Fax

SENDER: Jonathan O. Scott, Reg. 39,364

**Fax# (612) 825-6304
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Pages Including Cover Sheet(s): 9

In re application of: Faith et al.

Attorney Docket No.: VISAP065

Application No.: 10/085,641

Examiner: LEMMA, Samson B.

Filed: February 26, 2002

Group: 2132

**Title: DISBTIBUTED QUANTUM
ENCRYPTED PATTERN GENERATION AND
SCORING**

**MESSAGE: Attached please find the following documents for filing in the
above-referenced application:**

- 1) Amendment Transmittal (1pg)**
- 2) Reply B (7 gs) in response to the Office Action dated April 21, 2006 to which
a response is due September 21, 2006, with a TWO-month extension of time.**

CONFIDENTIALITY NOTE

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SEP 21 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Faith et al.

Attorney Docket No.: VISAP065

Application No.: 10/085,641

Examiner: LEMMA, Samson B.

Filed: February 26, 2002

Group: 2132

Title: DISBTIBUTED QUANTUM
ENCRYPTED PATTERN GENERATION AND
SCORING**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office, Central Facsimile Telephone number (571) 273-8300 on this day September 21, 2006 addressed to Examiner LEMMA, Samson B.

Signed: 

Ann Lowe

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

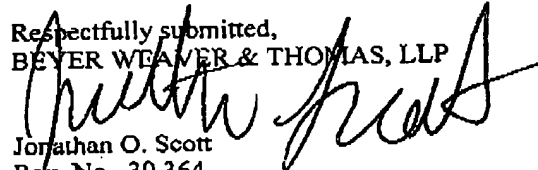
Sir:

Transmitted herewith is an Amendment in the above-identified application. The fee has been calculated as shown below.

	Claims After Amendment		Highest Previously Paid For	Present Extra	Small Entity Rate Fee	Large Entity Rate Fee
Total Claims	13	MINUS	20	0	x 25 =	x 50 =
Independent Claims	2	MINUS	3	0	x 100 =	1 x 200 =
Multiple Dependent Claim Present and Fee Not Previously Paid						
Total					\$0	

- ☒ Applicant(s) hereby petition for a two-month extension(s) of time to respond to the aforementioned Office Action.
- ☒ Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 500388.
- ☐ Enclosed is our Check No. _____ in the amount of \$_____ to cover the additional claim fee and/or extension of time fees.
- ☒ Please charge the required fee, and any additional fee(s) required to facilitate filing the enclosed response, to Deposit Account No. 500388 (Order No. VISAP065).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP


Jonathan O. Scott
Reg. No. 39,364

P.O. Box 70250
Oakland, CA 94612-0250

SEP 21 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Faith et al.

Attorney Docket No.: VISAP065

Application No.: 10/085,641

Examiner: LEMMA, Samson B.

Filed: February 26, 2002

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Title: DISBTIBUTED QUANTUM
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CERTIFICATE OF FACSIMILE TRANSMISSION

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Patent and Trademark Office, Central Facsimile Telephone number (571) 273-8300 on
this day September 21, 2006 addressed to Examiner LEMMA, Samson B.

Signed: _____

Ann Lowe

REPLY B

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the office action mailed April 21, 2006, to which a response is due
September 21, 2006, with a two-month extension of time, please enter the following remarks:

Request for Reconsideration of Finality of Previous Office Action under MPEP 706.07 (d)

The undersigned respectfully reminds the Examiner of the conversation on October 24, 2005 in which the undersigned pointed out that although the preliminary amendment dated October 11, 2005 was mailed before the first office action on October 14, 2005, the two documents crossed in the mails. The Examiner suggested filing the preliminary amendment again in response to this first action and suggested that the next action would not be final. On January 10, 2006 the undersigned telephoned the Examiner and left a message reminding the Examiner not to send a final action.

Unfortunately, the action mailed April 21, 2006 was made final. Our associate, Mr. Rupak Nag, spoke with the Examiner on July 20, 2006 and requested that this final office action be made nonfinal. The Examiner indicated that he was willing to make the action nonfinal but that it was necessary to speak with his supervisor, Examiner Barron. Mr. Rupak Nag left a message to that effect with Examiner Barron but received no response.

The undersigned notes that the PAIR system indicates that in fact the preliminary amendment was received on October 11, 2005 but that the first office action was not mailed out until October 14, 2005. Based upon this information alone, Applicant submits that the very first office action should have considered the claims of the preliminary amendment (rather than the claims as filed), and thus the final office action should never have been made final.

Applicant requests that the office action mailed April 21, 2006 was improperly made a final office action and requests that that action be made nonfinal.